IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 201 OF 2003

Sayed Amir Jan & Anr ...Petitioners

Versus

Mrs. Rabiya Siraj Mohmmed ...Respondent

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Mr. S.B. Rao i/b M.S. Rao & Co. counsel for Petitioners

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CORAM: B. H. MARLAPALLE, J.
DATED: 6TH APRIL, 2005

P. C.:-

1. Heard Mr. Rao, the learned counsel for the petitioners who are the in laws of respondent and grand parents of Sohel, the son of respondent. The respondent is the widow of the petitioners' son and she has subsequently remarried. Her son Sohel is under her care and custody. In petition No. 65 of 2001 consent terms have been signed before the Family Court on 1.2.2002 regarding the access available to the petitioners to meet their grand son Sohel. It is alleged in this contempt petition that the respondent has wilfully acted in breach of the said consent terms by not sending or not allowing Sohel to meet the petitioners and therefore, the petitioners contend that the respondent is guilty of committing contempt of court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971.

2. Pursuant to the order passed in this contempt petition all the parties remained present before the Court on 23.3.2005 and this Court directed the Registrar (Judicial) to have a dialogue with the petitioners, respondent and Sohel, separately. The Registrar has accordingly talked to each of them and submitted a report on the same date. The said report states that Sohel does not want to go to the grand parents' house in view of the haunted memories that disturbed him. He stated before the Registrar that in March, 2004 he visited his grand parents and he was assaulted by them. He further stated that the petitioners as well as his uncle abused his mother in a filthy language during this visit. The respondent stated before the Registrar that she was not against the meeting of her son to her in laws as per the consent terms furnished before the Family Court but the son is 15 years of age and he is in a position to decide himself. He could not be compelled by the mother to go to the grand parents and meet them. This report shows that the respondent has not acted in breach of the consent terms and in fact she is not against her son Sohel meeting his grant parents i.e. the present petitioners. There is no prima facie, case to take cognizance of the alleged contempt and therefore, this petition must fail.

3. The contempt petition is hereby rejected.